



1 March 2017

**Ms. Abigail Hammond  
Commission Counsel  
Rules Review Commission  
Office of Administrative Hearings  
6714 Mail Service Center  
Raleigh, NC 27699-6714**

FILED  
2017 MAR -7 AM 8:26  
OFFICE OF ADMIN HEARINGS

Dear Abigail:

This letter is in regard to the readoption of rules identified as “necessary with substantive public interest” in 21 NCAC 01 (specifically: 21 NCAC 01.0104, 21 NCAC 01.0201, 21 NCAC 01.0301 and 21 NCAC 01.0402 -- the “Rules”) pursuant to N.C. Gen. Stat. § 150B-21.3A(c)(2)(g). With this letter, we are requesting an extension of the readoption date for the Rules. The Rules are currently in the process of readoption, but due to several circumstances, they will not be published in time for readoption by the North Carolina Acupuncture Licensing Board by the May 31, 2017 deadline as initially agreed.

The Rules will be published in the April 3, 2017, Register. As such, the public comment period will run through June 2, 2017. The Board would be able to address any public comment from that time and seek to readopt the Rules at its July 14, 2017 Board meeting.

As you are likely aware, the NCALB has been in a state of flux for some time for several reasons. The NCALB’s longtime counsel resigned in early 2015 citing several conflicts of interest. Further, the General Assembly is openly contemplating the consolidation or elimination of the NCALB despite its regulation of independent medical providers. In addition, the NCALB has been involved in protracted litigation with the NC Board of Physical Therapy Examiners (“NCBPTE”) related to that board’s decision to disregard the Rules Review Commission’s determination that its proposed rule to define “dry needling” and minimum training criteria for “dry needling” were beyond the statutory authority of the NCBPTE. The litigation came about after the NCBPTE withdrew from informal discussions initiated by the NCALB pursuant to N.C. Gen. Stat. § 150B-19.1(d). Lastly, the NCALB has also been defending a retaliatory federal lawsuit backed by the NC Physical Therapy Association. The NCALB’s resources are finite and, frankly, taxed. The NCALB receives no general funding from the State. As such, the NCALB has had

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to make difficult choices on how to employ its resources under the current circumstances.

The NCALB is committed to completing readoption of these Rules (and promulgation of significant amendments and enhancements to other rules if the NCALB remains an independent agency). We respectfully request an extension for readoption of these Rules through August 31, 2017. This will allow time to follow the readoption path consistent with its timing requirements.

Thank you for your consideration of this request.

Sincerely,

A handwritten signature in blue ink that reads "Michael J. Tadych". The signature is fluid and cursive, with the first name being the most prominent.

Michael J. Tadych  
NC Board Attorney/Rulemaking Coordinator  
North Carolina Acupuncture Licensing Board

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STATE OF NORTH CAROLINA  
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April 21, 2016

Michael J. Tadych  
Acupuncture Licensing Board  
Stevens Martin Vaughn & Tadych  
1101 Haynes Street, Suite 100  
Raleigh, North Carolina 27604

Re: Readoption pursuant to G.S. 150B-21.3A(c)(2)g of **21 NCAC 01**

Dear Mr. Tadych:

Attached to this letter are the rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A(c)(2)g. After consultation with your agency, this set of rules was discussed at the April 21, 2016 Rules Review Commission meeting regarding the scheduling of these rules for readoption. Pursuant to G.S. 150B-21.3A(d)(2), the rules identified on the attached printout shall be readopted by the agency no later than May 31, 2017.

If you have any questions regarding the Commission's action, please let me know.

Sincerely,

Abigail M. Hammond  
Commission Counsel

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**RRC DETERMINATION  
PERIODIC RULE REVIEW  
July 01, 2014 through June 30, 2016  
Acupuncture Licensing Board  
Total: 4**

**RRC Determination: Necessary with substantive public interest**

<b>Rule</b>	<b>Determination</b>	<b>APO Review Date</b>
<a href="#">21 NCAC 01 .0104</a>	Necessary with substantive public interest	November 22, 2014
<a href="#">21 NCAC 01 .0201</a>	Necessary with substantive public interest	November 22, 2014
<a href="#">21 NCAC 01 .0301</a>	Necessary with substantive public interest	November 22, 2014
<a href="#">21 NCAC 01 .0402</a>	Necessary with substantive public interest	November 22, 2014